

29

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH  
AT HYDERABAD

----

O.A.No.1055/92

Date of Order:

11-12.92

Between

K.Satyanarayana(alias)  
Anjaneya Sastry

.. Applicant

and

Sr.Superintendent of Post Offices  
Eluru  
W.G.District

.. Respondent

Counsel for the Applicant : Mr C.Siva Subba Rao

Counsel for the Respondents : Mr NR Devraj

CORAM:

HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER(JUDL.)

(Order as per Hon'ble Shri T.Chandrasekhara Reddy  
Member(Judl.))

This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondent to permit the applicant herein to hold the dual post of EDBPM and Village Administrative Officer of Taduvai village and also to pay the pay and allowance due to the applicant for the months of September, October and November 1992 and pass such other orders as may deem fit and proper in the circumstances of the case.

The facts giving rise to this OA in brief may be stated as follows:

The applicant at present is working as Village Administrative Officer. The applicant has been continuously working as EDBPM since his appointment in 1976. According to the applicant, the Superintendent of Post Offices, Eluru had asked the applicant ~~either~~ to resign one of the posts which the applicant is holding. It is the grievance of the applicant that he is not paid his pay and allowances for the months September-November, 1992. So, the present OA is for the said relief as indicated above.

On 2.12.92, we have heard Counsel for the applicant Dr C.Siva Subbarao and Counsel for the respondents Mr NR Devraj in detail.

In this OA, we are not concerned with the post of Village Administrative Officer of Taduvai Village, which the applicant is holding w.e.f. 1.2.92. We are concerned only with the post of EDBPM which the applicant is holding for the Taduvai village. It is the contention of the learned counsel for the applicant that the applicant is holding the post of EDBPM, Taduvai village from the year 1976 and there cannot be any objection by the respondents for continuing in the said post and so direction is liable to be given to the respondents to allow the applicant to continue in the said post and pay the applicant pay and allowances of the post of EDBPM, Taduvai village which the applicant is holding.

A copy of the appointment order issued to the applicant for the post of EDBPM, Taduvai village is Annexure II to the OA, which reads as follows:

" INDIAN POSTS AND TELEGRAPHS DEPARTMENT  
Office of the Sr. Superintendent of Post Offices, Eluru Dvn, Eluru  
Memo No. B.10/564 dated at Eluru the 28-7-1978

O R D E R

Sri Kalluri Satyanarayana

is provisionally appointed to act as Extra-Departmental Branch Postmaster at Taduvai B.O. in account with Jangareedigudem S.O. with effect from 16.7.78(F/N) in the vacancy caused due to completion of 65 years of age by Sri KVS Appa Rao.

Sri Kalluri Satyanarayana is hereby informed that his services can be terminated at any time without giving any notice of assigning any reasons."

A copy of this memo is issued to:

1. Sri	xx	xx	xx	xx	xx	xx
2.	xx	xx	xx	xx	xx	xx
3.	xx	xx	xx	xx	xx	xx

(emphasis is ours)

Sd/-  
Sr. Superintendent of Post Of  
Eluru Dvn, Eluru

20/12/

T. C. N. P.

From the said appointment order, it is quite evident that the applicant has been appointed on adhoc/provisional basis. So, as the applicant has been appointed only on provisional basis, the applicant has no right to continue in the said post and the applicant can continue in the post till his services are terminated. It is needless to point out that ~~the~~ an employee who is appointed on provisional/adhoc basis does not have a right to continue in the post and his appointment ceases to be effective from the date, a regular incumbent assumes charge of the post or till the services of the applicant are validly terminated. So, the respondent, has certainly got a right ~~to~~ either to fill up the said post of EDBPM, Taduvai village ~~by~~ on regular basis in which case, the applicant has to give way to the regular incumbent. It is also open to the respondents to terminate the services of the applicant for valid reasons and also make adhoc appointment for the same post till the said vacancy is filled up on regular basis as per recruitment rules.

As the applicant does not have a right to continue in the said post of EDBPM, Taduvai village, as his appointment is not on regular basis, the applicant is not entitled for the relief that he is entitled to hold the post of EDBPM, Taduvai village and hence, this prayer of the applicant is liable to be rejected and is accordingly rejected.

If the services of the applicant ~~are~~ <sup>were</sup> not terminated and if the services of the applicant as EDBPM, Taduvai village had been taken by the respondent, the respondent is hereby directed to pay the pay and allowances to the applicant in accordance with the rules for the period from September to November, 1992 and also for the future period till his services are terminated.

...4..

OA disposed of accordingly with the above said directions at the admission stage itself, leaving the parties to bear their own costs.

*T - Chandrasekhar*

(T.CHANDRASEKHARA REDDY)  
Member(Judl.)

Dated:

11 Dec., 1992

mvl

*11/12/92*  
Deputy Registrar(Judl.)

Copy to:-

1. Sr. Superintendent of Post Offices, Eluru, West Godavari Dis-
2. One copy to Sri. C.Siva Subba Rao, advocate, 12-13-67, Tarnaka, Hyd.
3. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
4. One spare copy.

Rsm/-

*11/12/92*  
post 14/12/92

*11/12* TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CHECKED BY

APPROVED BY

HYDERABAD BENCH

HYDERABAD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH: AT HYDERABAD

THE HON'BLE MR.

V.C.

AND

THE HON'BLE MR.R. BALASUBRAMANIAN:M(A)

AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY:M(J)

AND

THE HON'BLE MR.C.J. ROY : MEMBER(JUDL)

Dated: *11/12/* 1992

ORDER/JUDGMENT:

R.A./ C.A./ M.A. No.

in

O.A. No.

*1055792*

T.A. No.

(W.P. No. )

Admitted and Interim Directions issued

Allowed

Disposed of with directions ✓

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

—No order as to costs.

pvm.

